IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 11622 of 2005

Between:

Anumalla Chandramouli, S/o. Laxmi Narayana,
Kothapalli Haveli, Karimnagar Mandal and District … PETITIONER

AND

1 The District Collector, Karimnagar.
2 The Commissioner, A.P., Panchayat Raj, Hyderabad.
3 Kothapalli Haveli Grampanchayat, rep. by its Executive Officer.
4 The Distrcit Panchayat Officer, Karimnagar.
5 Swargam Raj Kumar, S/o. Laxmaiah, G.P.Kothapalli.
6 Jeripothula Mondaiah, S/o. Rajaiah, G.P.Kothapalli.
7 Md. Khaja Khan, S/o. Osman Khan, .P.Kothapalli.
8 Ummenthula Raju Reddy, S/o. Venkat Reddy, G.P.Kothapalli.
9 Bethi Malla Reddy, S/o. Ragi Reddy, G.P.Kothapalli.
10 Gunnala Vijaya W/o. Ramesh, G.P.Kothapalli.
11 Rudra Padmaja, W/o. Rajender, G.P.Kothapalli.
12 Pati Sunanda, W/o. Kishan, G.P.Kothapalli.
13 Yegurla Rajavva, S/o. Beeraiah, G.P.Kothapalli.
14 Anasuri Narender Chary, S/o. Ramulu, G.P.Kothapalli. … RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an order or orders one in the nature of writ of mandamus by declaring the proceedings No. A1/2050/2003/Pts., dated 2.5.2005 issued by the respondent no.1 from the removal of the petitioner from the post of Upa Sarpanch of Kothapalli Haveli, Karimnagar mandal and district is totally illegal, arbitrary against the principle of natural justice and liable to be set aside in view of pendency of the comprehensive suit for declaration in O.S. No.493 of 2003 on the file of the Principal Junior Civil Judge, Karimnagar.

Counsel for the Petitioner: MR.SURESH SHIV SAGAR

Counsel for the Respondents 1, 2 & 4 : GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT

The Court at the admission stage made the following :

ORDER:

This Writ Petition is filed assailing the order dated 02.05.2005 of the first respondent whereby the petitioner was removed from the post of Upa Sarpanch of Kothapalli Haveli, Karimnagar, especially in view of pendency of Original Suit No.493 of 2003 on the file of the Principal Junior Civil Judge, Karimnagar challenging no confidence motion dated 25.09.2003 passed against him.

On perusal of the material on record, it is seen that as against the impugned order of the first respondent removing the petitioner from the post of Upa Sarpanch, appeal is provided for, to the Government under Section 246 of the A.P. Panchayat Raj Act, 1994. The petitioner, without availing the alternative and efficacious remedy available under the said Act, straightaway approached this Court under Article 226 of the Constitution of India, which is not maintainable.

The Writ Petition is, accordingly, dismissed. The petitioner is at liberty to avail the alternative remedy available under law.

09.06.2005

DRK

Copy to:

1 The District Collector, Karimnagar.

2 The Commissioner, A.P., Panchayat Raj, Hyderabad.

3 The Executive Officer, Kothapalli Haveli Grampanchayat,

4 The Distrcit Panchayat Officer, Karimnagar.

5 Two CCs to the G.P. for Panchayat Raj and Rural Development, High Court of A.P., High Court buildings, Hyderabad (o.u.t.)

6 Two CD copies.